

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

In re: Sheila A. Dane

Case No. 11-61876

Chapter 7

Debtor(s)

**MOTION FOR AUTHORITY TO SELL ESTATE'S INTEREST IN REAL PROPERTY FREE AND CLEAR OF LIENS AND ENCUMBRANCES OF ANY KIND PURSUANT TO 11 U.S.C. §363(b)**

William F. Schneider, trustee in this case, moves for an order authorizing the trustee to sell the estate's interest in the below-described property free and clear of liens and encumbrances of any kind pursuant to 11 U.S.C. §363(b), and alleges as follows:

1. On July 26, 2011, an Order for Relief under Chapter 7 of the Bankruptcy Code was entered in this case.
2. Movant is the duly appointed trustee in this case.
3. The estate has an interest in the following two parcels of real property, as described by the Debtor on Schedule A, which the trustee requests authority to sell:
  - A) Paradise Bay, Lot 24, Nicaragua (Purchase price – 2005 - \$129,000); and
  - B) Vista Mar – Nacascola, Lot 24, Nicaragua (Purchase price 2005 - \$45,000).
4. The values of the properties are uncertain. The Debtor valued Property A at \$75,000.00 and Property B at \$20,000.00 on Schedule A filed in her bankruptcy case. The Trustee has been unable to find anyone willing to list the properties for sale, nor has anyone he has contacted made an offer to purchase the properties. He has, however, received and unsolicited offer to purchase both properties from Harmon T. Craig as set out below.

5. The trustee proposes to sell the property in the following manner:

- a. The sale shall be free and clear of all liens, claims and encumbrances which shall be transferred and attach to the proceeds of the sale without change of amount, validity or priority.
- b. Private sale pursuant to the Letter Agreement, a copy of which is attached as Exhibit A to the original of this motion filed with the Clerk of the Bankruptcy Court.
- c. Purchase price for the Real Properties - \$5,000.00.

Purchaser – T. Craig Harmon, McGuire Woods LLP, One James Center, 901 East Cary Street, Richmond, VA 23219-4030.

- d. Terms and conditions of the sale are as set out in the letter agreement attached to this motion;
- e. The sale shall be final only if and when approved by the Bankruptcy Court and as provided in the letter agreement.

6. Any order approving this sale shall require the debtor to deliver any further paperwork in her possession with respect to the properties to the buyer and to disclose whether the debtor knows of any mortgages or other encumbrances on the properties. The order approving the sale shall also require the debtor to execute the two powers of attorney described in the letter agreement.

7. The trustee has determined that the following parties may claim a security or other interest in the property being sold: N/A

8. If any liens and encumbrances are later discovered and if determined to be valid, and any other shall attach to the proceeds of the sale, pursuant to 11 U.S.C. §363(f). The

property will only be sold for an amount greater than the aggregate value of all liens on the property plus unpaid taxes. 11 U.S.C. §363(f)(3).

9. The trustee proposes and requests authority to disburse from the proceeds of the sale of the Property at closing all usual and customary closing costs, all outstanding real property taxes owed on the Property, and any non-avoidable, valid liens and encumbrances.

10 The trustee reserves the right to withdraw from the proposed sale should circumstances require. Requests for additional information should be directed to the trustee.

WHEREFORE, the trustee requests the Court enter an Order authorizing the trustee to sell the property described herein in the manner and under the terms and conditions set forth; to execute any deeds required to transfer the property under the laws of Nicaragua; and that he be granted such other and further relief as is deemed proper.

Date: April 12, 2013

/s/ William F. Schneider

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